

The opinion in support of the decision being entered today is
not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte LESLIE E. SMITH
and
JOHN C. MONTAGNA

Appeal 2006-3109
Application 10/743,936
Technology Center 1700

Decided: August 7, 2007

Before EDWARD C. KIMLIN, CHARLES F. WARREN, and
LINDA M. GAUDETTE, *Administrative Patent Judges*.

KIMLIN, *Administrative Patent Judge*.

DECISION ON REQUEST FOR REHEARING

Appellants request rehearing of our decision of November 14, 2006, wherein we affirmed the Examiner's rejection of claims 10-12 and 20-31 under 35 U.S.C. § 103(a).

We have reviewed Appellants' request but are unconvinced of any error in our decision. We remain of the opinion that the claimed subject matter would have been obvious to one of ordinary skill in the art within the meaning of § 103 in view of the applied prior art.

Appellants point to separate arguments for claim 12, as well as other claims on appeal. However, it is our view that such arguments in the Brief were essentially the same as those lodged against claim 10, and, furthermore, these arguments were addressed by the Examiner in the Answer.

Appellants contend that "stock or film stock which is painted is not the equivalent of laminated paint film sheet stock" (Request 2, third para.). However, Appellants point to no definition which distinguishes the claimed "paint film laminated thereon" and painted film stock. Moreover, we are not convinced that any difference between the two would undermine the obviousness of the claimed method for stretching paint film parts in view of the state of the prior art.

Also, although Appellants argue that Peterson is directed to monolithic sheet stock, which "is not the equivalent of a film [or] laminated sheet stock, much less laminated paint film sheet stock" (Request 2, para. D), we are not persuaded that one of ordinary skill in the art would not have considered the method of Peterson for forming wide film parts as applicable to laminated paint film sheet stock. Appellants have proffered no convincing argument nor objective evidence that one of ordinary skill in the art would not have considered the method of Peterson as applicable to the claimed method for forming wide paint film parts.

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Accordingly, based on the foregoing, Appellants' Request is granted to the extent that we have reconsidered our decision, but is DENIED with respect to making any change therein.

DENIED

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